HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 7895 of 1997

DATED: 14-03-2007

Between:

Dr. V.Aruna

…Petitioner

and

State of Andhra Pradesh represented by the
Principal Secretary to Government,
Educational Department,
Hyderabad and others.

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 7895 of 1997

ORAL ORDER:

Without a due and transparent process, the petitioner was appointed as a Part Time Lecturer in Zoology in 1985-86 in the Osmania University Science College; subsequently she served at Sardar Patel College at Secunderabad during 1986 to 1988; at B.T.Navabharat Junior College, Malakpet, Hyderabad during 1989 to 1990 and 1990 to 1991 and thereafter as a Part Time Lecturer in Zoology in an Aided post in the 4th respondent College in what is claimed was a substantive vacancy in an Aided post in the 4th respondent Aided College, in 1991. She has been continually in service since then. The petitioner claims regularization/absorption into service as Lecturer in Zoology in terms of certain administrative orders issued by the State including in G.O.Ms.No.302, dated 23-8-1991 and G.O.Ms.No.362, dated 7-10-1994 which have created an administrative regime of regularization of illegally appointed Lecturers.

In view of the decision of the Constitution Bench of the Supreme Court in ***Secretary, State of Karnataka v. Umadevi***[1] which has restated the law in respect of the claims for regularization, absorption or permanent continuance of ad hoc, casual and daily wage employees, the petitioner's initial appointment being illegal and not preceded by a transparent process of recruitment is in transgression of the constitutional injunctions of equality and of public law limitations on appointment to public offices and the statutory rules governing

recruitment to the post of Lecturer in Aided Degree Colleges. For this reason, in view of the mandate in ***Umadevi***, the relief sought by the petitioner cannot be granted, notwithstanding the administrative orders of the State in this behalf, which are unconstitutional and unenforceable, in view of the law declared in ***Umadevi***.

For the aforesaid reasons, there are no merits in the writ petition and the same is accordingly dismissed, after hearing the learned Government Pleader for Education also. There shall be no order as to costs.

GODA RAGHURAM, J

14-03-2007
GRR

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[1] (2006) 4 SCC 1